

REMARKS

This Amendment is in response to the Office Action dated October 6, 2010. Claims 13 and 15 have been amended and claim 18 has been cancelled. The amendment to claims 13 and 15 are supported at paragraph 0047 of the published application and original claim 18.

No new matter has been added. Applicants reserve the right to prosecute the same or similar claims in the present or another patent application. The amendments made are not related to any issues of patentability. Applicants submit that the pending claims are in condition for allowance.

Rejections under 35 U.S.C. § 112

Claims 15-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is traversed.

The Office Action states “a compression stroke” is positively recited twice in claim 15. The amendments to claim 15 render the rejection moot.

Rejections under 35 U.S.C. § 103

Claims 7, 12, 13 and 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haberland et al. (US 6457944) in view of Moddemann (US 2002/0067148), Llewellyn (GB 2,130,305) and Takahashi et al. (US 5,664,937). This rejection is traversed.

Claim 13 is directed to a method for controlling a metering cycle of a pump comprising, among other steps, increasing a quantity of metered medium delivered per unit of time just before the end of the compression stroke by increasing the rotational speed of the motor just before the end of the compression stroke.

As agreed upon during the November 10, 2010 phone interview, the relied upon art fails to disclose or suggest at least the above claimed feature. Accordingly, claim 13 is not obvious. Claims 7 and 12 depend on and further limit claim 13, therefore, they are not obvious for at least the same reasons.

Claim 15 is directed to a method for controlling a ram actuated pump comprising, among other steps, the step of increasing the ram speed immediately before the end of the compression stroke which thereby increases the quantity of metered media delivered per unit time at the end of the compression stroke.

As discussed above, during the November 10, 2010 phone interview, the relied upon art fails to disclose or suggest at least the above claimed feature. Accordingly, claim 15 is not obvious. Claims 16-20 depend on and further limit claim 15, therefore, they are patentable for at least the same reasons.

Conclusion

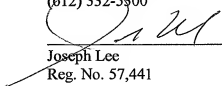
In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: December 6, 2010



Joseph Lee
Reg. No. 57,441

92160

PATENT TRADEMARK OFFICE